

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/744 OF 2014
Cuttack, this the 14th day of March, 2018

CORAM
HON'BLE MR. S. K. PATTNAIK, MEMBER(J)

.....
Sri Khageswar Mohanta, aged about 60 years, Son of Late Nolarbar Mohanta, At:-
Godikansa, PO-Purujoda, PS.- Telkoi, Dist-Keonjhar, retired Superintendent of
Post Offices.

...Applicant

(By the Advocate-M/s. S. K. Ojha, S. K. Nayak)

-VERSUS-

Union of India Represented through

1. Director General, Department of Posts, Government of India, Dak Bhawan,
New Delhi.
2. Member(Personnel), Postal Services Board, Department of Posts, Dak
Bhawan, New Delhi-110001.
3. Director of Postal Services, (Hqrs.), O/o the CPMG, Odisha Circle, At/PO-
Bhubaneswar-751001.

...Respondents

(By the Advocate- M/s. S. K. Singh)

ORDER

S. K. PATTNAIK, MEMBER (J):

The applicant who is a retired Superintendent of Post Offices,
Department of Posts has challenged the order passed by the Disciplinary Authority
dated 16.10.2009 (Annexure-A/4) whereby an order has been passed for recovery
of Rs.21,946/- due to lapses of the present applicant in detecting the fraud to the
tune of Rs.1,80,082/- in time, which continued unnoticed resulting loss to the
department.

2. Applicant's case in short runs as follows. The applicant while
working as Assistant Superintendent of Post Offices in charge of Puri Subdivision
was served with a charge memo dated 09.01.2009 (Annexure-A/1) under Rule 16
of CCS (CC&A) Rules, 1965 on the imputations of misconduct and lack of devotion
to duty. The applicant in obedience to the charge memo submitted his defence on

08.04.2009 (Annexure0A/2) and additional show cause on 08.07.2009 (Annexure-A/3). However, the Disciplinary Authority found that had the applicant been vigilant and verified the pass book the fraud committed by the GDSBPM could have been detected and misappropriation averted. Further case of the applicant is that against the order of the Disciplinary Authority he filed an appeal on 21.04.2010 before the Respondent No.2 but till then no decision has been taken for which he was compelled to redress his grievance before this Tribunal by filing the present O.A.

3. In the instant case, the applicant does not deny about his role as supervising authority and there is no dispute about the fact that had the applicant being Assistant Superintendent of Post Offices been vigilant the fraud could have been averted and loss of Rs.1,80,080/- could have been avoided. The only allegation against the applicant is that he failed to maintain absolute devotion to duty as verification was not done properly and the regular monthly deposits shown in the R.D. pass book were not taken in the Branch Office account by the GDSBPM of Kuliposi Branch Office. The main allegation against the present applicant is that he had not verified the deposits in R.D. pass books for which the GDSBPM committed the fraud.

4. Coming to the technical aspect of the case, it is found that the Respondents have categorically admitted in their counter that the appeal submitted by the applicant on 21.04.2010 has been forwarded to the Director General of Posts, New Delhi which is under active consideration under the authority. The applicant himself has pleaded that he has filed the departmental appeal on 21.04.2010 (Annexure-A/5). If the appeal was not disposed of within six months the applicant could have approached this Tribunal in 2010 itself. The Disciplinary Authority's order dated 16.10.2009 is only challenged on 21.04.2010 which is barred by

limitation. As per Rule 25 of CCS (CC&A) Rules, 1965 it should have been filed within 45 days of the order appealed from.

5. Since the present O.A. was filed only on 13.10.2014 i.e., more than five years after passing of the original disciplinary order, filing of such O.A. is hopelessly barred by limitation. As the same has become a stale claim it cannot be allowed to be entertained at this distance of time. However, it is made clear that if in the meantime, the appeal order comes out certainly the applicant shall be at liberty to challenge the same within the period of limitation. Hence ordered.

6. The O.A. being hopelessly barred by limitation is dismissed. No costs.

SUSHSANTA KUMAR PATTNAIK)
MEMBER (J)

K.B.